**IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH**

S.B. CIVIL WRIT PETITION NO.7065/05

Sukhvir Singh **Versus** State & Ors.

DATE OF ORDER :: 10/04/2007

HON'BLE MR. JUSTICE AJAY RASTOGI

Mr. Vinod Singhal, for petitioner
Mr. B.K. Sharma, Dy.G.A.

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By the instant petition, petitioner is claiming regularization of post of Vehicle Driver which, as alleged by him, is holding for sufficient long time.

Petitioner was initially appointed on daily wages basis on 1st April, 1992 and was declared sem-permanent w.e.f. 01.01.1995 on the post of Beldar. In compliance of order dated 10th March, 1995, he was further promoted to the post of Assistant vide order dated 26th August, 1996 and he is being paid regular pay of the post of Assistant.

Counsel for petitioner submits that he is holder of driving licence and is driving the vehicle for sufficient long time and has placed a document on record along with additional affidavit to show that even the identity card has been shown of Vehicle Driver, but according to him, he is not being paid salary of the said post and has not been considered for regularization under the rules.

Respondents have filed reply to the writ petition wherein it has been averred that petitioner, who was promoted on the post of Assistant, is being paid salary of the promotional post and merely because he has worked for sometime that will not hold him to seek regularization or regular appointment. Since under the relevant scheme of rules, post of Vehicle Driver is to be filled 25% by promotion from Vehicle Helper and 75% by direct recruitment and his candidature can be considered even for promotion according to seniority of Helper which is maintained in their office against 25% quota no right is conferred in favour of petitioner either for regularization or for regular pay for the post of Vehicle Driver.

I have considered the submission of both the counsel and perused the material available on record.

This fact could not be disputed that petitioner was promoted under the rules on the post of Assistant and he is being paid regular pay of the said post. So far as his working on the post of Vehicle Driver is concerned, as alleged by petitioner will not hold him to consider for regularization or regular appointment since the rules provide a specific mode to fill the post of Vehicle Driver which is to be filled 25% by promotion from Vehicle

Helper and 75% by direct recruitment and promotion can be made only against 25% quota as per seniority amongst the eligible Helper for their promotion to Vehicle Driver and even he has worked for sufficient long time as alleged by him, it has been disputed by the respondents but still if he has worked for sufficient long time, he will be free to make representation.

Consequently, the writ petition stands disposed of with the direction that claim of regularization or regular pay of Vehicle Driver stands rejected. However, if he has worked as Vehicle Driver, he is free to make representation to the concerned authority, who will examine and decide the same in accordance with law. No order as to costs.

[AJAY RASTOGI],J.

FRBOHRA,JR.P.A.